

## **REMARKS**

Following several telephone conferences during the week of April 13, 2009 and on April 20, 2008, Examiner Chowdhury and Applicants agreed on claim amendments to bring the present application to allowance. The Examiner requested the Applicants file a Supplemental Amendment reflecting the agreed-upon claim language.

### **I. Amendments to the Claims**

Claims 1, 9, 12, 15, and 25 are amended.

Claim 1 is amended to recite 90% sequence identity language, recite biological activity, and delete unnecessary language. Part (e) is now presented as new dependent claim 34.

Claim 9 is amended to delete unnecessary language.

Claim 12 is amended to recite an “isolated” host cell.

Claim 15 is amended to recite 90% sequence identity language, recite biological activity, and delete unnecessary language. Part (d) is now presented as dependent claim 35. Additional support for the language “isolated polypeptide” can be found, *e.g.*, at ¶ [57] of the original specification, which states that, “the term ‘substantially pure polypeptide’ is synonymous with the terms ‘isolated polypeptide’ and ‘polypeptide in isolated form’.

Claim 25 is amended to depend from claim 15 rather than recite essentially the same language in independent form.

Claims 2 and 7 are canceled without prejudice or disclaimer.

New claims 34 and 35 are added.

New claim 34 includes the subject matter of part (e) of claim 1.

New claim 35 includes the subject matter of part (d) of claim 15.

No new matter has been added by these amendments.

The Examiner is invited to change the articles (*i.e.*, “a” or “the”) to comply with USPTO guidelines, *e.g.*, via an Examiner’s Amendment.

II. Conclusion

Applicants thank the Examiner for his willingness to discuss the present application by telephone. The foregoing amendments are believed to reflect the substance of the telephone conferences and place the application in condition for allowance. If the Examiner has any questions or believes a further telephone conference would expedite prosecution of this application, he is encouraged to call the undersigned at (650) 846-7595.

Applicants believe that no fee is due with this communication; however, the Commissioner is authorized to charge any fees and to credit any overpayments to Deposit Account No. 07-1048.

Respectfully submitted,

Date: April 20, 2009

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